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**DEC 18 2006**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

FLYNN

Atty. Ref.: 550-489; Confirmation No. 9185

Appl. No. 10/715,368

TC/A.U. 2116

Filed: November 19, 2003

Examiner: M. Brown

For: DATA PROCESSING PERFORMANCE CONTROL

\* \* \* \* \*

December 18, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

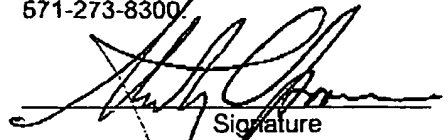
Sir:

**AMENDMENT UNDER RULE 116**

This Amendment is responsive to the Final Rejection mailed September 18, 2006 (Paper No. 20060906), the date of response to which is December 18, 2006.

**RESPONSE UNDER RULE 116  
EXPEDITED HANDLING PROCEDURES  
FACSIMILE CERTIFICATE**

I hereby certify that this Amendment  
is being transmitted by facsimile to  
the Patent and Trademark Office on  
December 18, 2006, specifically to  
571-273-8300.

  
Signature  
Stanley C. Spooner  
Reg. No. 27,393

No. of pages transmitted (including  
this cover sheet): 12 pages

In re Patent Application of

Atty 550-489

Dkt.

C# M#

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Title: DATA PROCESSING PERFORMANCE CONTROL

**Mail Stop AF**

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CENTRAL FAX CENTER**

DEC 18 2006

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 11 minus highest number  
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 3 minus highest number  
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add

\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$450.00 (1252)/\$225.00 (2252)

Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)

Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)

Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$

Terminal disclaimer enclosed, add

\$130.00 (1814)/\$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: \$ 0.00

**TOTAL FEE ENCLOSED \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor  
Arlington, Virginia 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
SCS:kmm

NIXON &amp; VANDERHYE P.C.

By Atty: Stanley C. Spooner, Reg. No. 27,393

Signature: 